

REMARKS

Applicants thank the Examiner and his supervisor for the courtesies extended to the undersigned during the telephone interview. An interview summary accompanies this response.

Applicants hereby add claims 30-33 and cancel claims 25 and 27. Accordingly, claims 1, 3-21 and 23-24, 26, and 28-33 are pending in the present application.

Claim 25 is objected to. Claims 1, 4-10, 12-16 and 25-27 stand rejected under 35 USC 102(e) for anticipation by U.S. Patent No. 6,681,349 to Sekizawa. Claims 3 and 11 stand rejected under 35 USC 103(a) for obviousness over Sekizawa in view of U.S. Patent No. 6,631,967 to Saruta. Claims 17, 19-21, 23 and 28-29 stand rejected under 35 USC 103(a) for obviousness over Sekizawa in view of U.S. Patent Publication No. 2002/0002492 to Yoshida et al. Claim 18 stands rejected under 35 USC 103(a) for obviousness over Sekizawa in view of Yoshida and Okazawa and further in view of Saruta. Claim 24 stands rejected under 35 USC 103(a) for obviousness over Sekizawa.

Applicants respectfully traverse the rejections and urge allowance of the present application.

Referring to claim 1, the method recites comparing a received consumable identifier with at least one of the stored consumable identifiers, comparing the received party identifier with at least one of the stored party identifiers, and outputting a message responsive to the comparing to indicate use of the consumable to be verified by an unauthorized party. The Office on page 2 of the Action the Office submits that Sekizawa teaches updating the database and based on the updating a message is forwarded. At pages 8-9 of the Action, the Office states that col. 36, lines 10-25 disclose tables for customer, agent, printer and status information are compared to data in the database in order to update the database which includes consumable and party identifier fields and if the database has the same data nothing occurs or if the comparison reveals that new data is inputted the database is updated or a new table is created.

Accordingly, Sekizawa provides a database which includes status information regarding the printers and database tables may be updated with status information received from the printers or new tables may be created. Sekizawa is directed towards a monitoring system for monitoring status information of printers. Sekizawa is not concerned with nor provides teachings relative to a consumable to be verified.

PDNO. 10007611-1
Serial No. 09/932,631
Preliminary Amendment A

Sekizawa fails to disclose or suggest outputting the message to indicate use of the consumable to be verified by an unauthorized party who is not authorized to use the consumable. Positively recited limitations of claim 1 are not disclosed nor suggested by the prior art and claim 1 is allowable.

The claims which depend from independent claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, referring to the rejection of claim 3, Applicants again assert the rejection is improper in view of the authority presented in the previous response of the MPEP and *In re Lee*. The Office on pages 3-4 of the Action states that the motivation to combine the reference teachings is to prevent printers from trying to print sheets that it is not capable of printing correctly, thus saving other printing resources until the consumable is replenished. Applicants respectfully submit there is no evidence of record that the printers of Sekizawa suffer from problems associated with printing of sheets it is not capable of printing to motivate one to look for solutions thereto. The Office has failed to provide proper motivational rationale based upon objective evidence of record to combine the reference teachings and the 103 rejection of claim 3 is faulty for at least this reason.

Referring to claim 24, Applicants traverse the taking of Official Notice and Applicant hereby demands evidence with respect to what the Examiner apparently relies upon as being "well-known" in accordance with MPEP §2144.03 if the rejection is not withdrawn. Applicants respectfully submit there is no evidence of record that a message is communicated to agent unit 10 or printers P from console unit 20 in Sekizawa. Furthermore, employees of a company have not been demonstrated to be owners of the consumable. Applicants request allowance of claim 24 or the submission of evidence if claim 24 is not allowed in the next Action so Applicants may appropriately respond.

Referring to claim 26, Sekizawa fails to disclose or suggest comparison of the received consumable identifier before the comparing the received party identifier as defined. Applicant respectfully submits limitations of claim 26 are not disclosed nor suggested by the prior art and claim 26 is allowable.

Claim 9 recites the system comprising processing circuitry configured to control

PDNO. 10007611-1
Serial No. 09/932,631
Preliminary Amendment A

outputting of a communication responsive to the received party identifier not matching the stored party identifier of the respective consumable corresponding to the received consumable identifier and wherein the communication indicates the failure of the received party identifier to match the stored party identifier of the respective consumable. As acknowledged by the Office, col. 36 of Sekizawa discloses a database which includes consumable and party identifier fields and if the database has the same data nothing occurs or if the comparison reveals that new data is inputted the database is updated or a new table is created. The providing of new tables to reflect new entries and updating existing tables of Sekizawa fails to teach or suggest the outputting the communication *indicating the failure of the received party identifier to match the stored party identifier of the respective consumable* and claim 9 is allowable for at least this reason.

The claims which depend from independent claim 9 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 17, Applicant respectfully submits the rejection is improper for the reasons set forth in the previous response and the reasons provided below. More specifically, on page 20 of the Action, the Office states that the motivation for combining the teachings of Yoshida would have been to reduce complexity by having all functionality needed at one device (i.e. the printer per Yoshida) instead of two and it would allow printers to directly connect to a remote monitoring agent. Applicants disagree and submit the teachings of Sekizawa are directly contrary to the alleged motivation. More specifically, it is noted in the background of Sekizawa that problems and large costs result in view of systems having a large number of printers which are systems addressed by Sekizawa and accordingly Sekizawa provides the solution of using agent unit 10 to monitor multiple printers. Applicants respectfully submit the motivation provided by the Office for combining Yoshida is contrary to the teachings of Sekizawa. The background of Sekizawa teaches away from the large costs associated with the combination presented by the Office and the 103 rejection is improper for at least this reason.

In addition, there is no sufficient motivation to combine the teachings of Okazawa and the rejection is improper for this additional reason. The Office on page 21

PDNO. 10007611-1
Serial No. 09/932,631
Preliminary Amendment A

of the Action alleges that the combination is appropriate to let the monitoring apparatus know the status of the printer, including for correcting any consumable empty errors. Col. 29, lines 10+ of Sekizawa, provides that a time period T1 is monitored and if an elapsed time is longer than the time period T1, the CPU 30 transmits a status request command to the printers to retrieve the status information. At Fig. 15, the time period is adjustable and is explicitly disclosed as having a printer *monitoring interval of 1 minute* in at least one embodiment. Accordingly, Applicants respectfully submit that the explicit disclosure of Sekizawa provides continual, repeated monitoring of printers in an explicitly disclosed *polling arrangement* and there is no evidence of record that the combination of reference teachings would result in any improvement over the teachings of Sekizawa and/or Yoshida to motivate one of skill in the art to make the combination proposed by the Office. Applicants respectfully submit the rejection is improper for at least this reason.

The claims which depend from independent claim 17 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, referring to claim 18, Applicants respectfully submit Applicants have failed to uncover any teachings in the prior art of Sekizawa experiencing problems with respect to printing when out of ink or toner or that any improvement would result from the combination or there is any other proper motivation to combine the reference teachings. The rejection of claim 18 is improper for this additional reason.

Referring to claims 28-29, it is recited that the processing circuitry is configured to *push the communication of the identifier message*. To the contrary, Sekizawa explicitly discloses a polling model where agent units 10 poll printers P for status. There is no evidence of record that the polling model of Sekizawa is deficient or that any improvements would result from altering Sekizawa to perform push operations to motivate one to combine the reference teachings. Furthermore, the actions of agent unit 10 or console unit 20 are irrelevant to the image forming device comprising the image engine defined in claims 17 and 18. Applicants respectfully submit the claims 28-29 are allowable for at least these compelling reasons.

Applicants hereby add new claims 30-33 which, along with the amendments hereof, are supported at least by Fig. 5 and the associated specification teachings of

PDNO. 10007611-1
Serial No. 09/932,631
Preliminary Amendment A

the originally filed application.

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Quintin T. Phillips

Jake Heusinkveld

By:


James D. Shaurette

Reg. No. 39,833

Date: 12/14/05

PDNO. 10007611-1
Serial No. 09/932,631
Preliminary Amendment A